

Message Text

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C O N F I D E N T I A L NASSAU 1271

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FOR DEPUTY SECRETARY INGERSOLL AND UNDER SECRETARY FOR
SECURITY ASSISTANCE MAW

E.O. 11652: GDS

TAGS: EFIS BF

SUBJ: SPINY LOBSTER

REF: STATE 186030

1. I HAVE ONLY HIGHEST ADMIRATION FOR THOUGHTFULNESS AND
EFFORT WHICH WENT INTO REFTEL. THERE IS NO QUESTION THAT
THE GENERAL APPROACH DESCRIBED IS THE SANE AND SENSIBLE WAY
THIS PROBLEM, AS WELL AS SIMILAR ONES WORLD-WIDE, SHOULD BE
APPROACHED. WITH A REASONABLY SOPHISTICATED GOVERNMENT AND
WITH ONE WHICH GENERALLY SHARED OUR PERSPECTIVE ON THIS MATTER
SUCH AN AGREEMENT MIGHT WELL BE NEGOTIATED. UNFORTUNATELY,
NEITHER OF THOSE CONDITIONS OBTAIN IN THE BAHAMAS.

2. THOUGH I DO NOT BELIEVE GCOB KNOWS WHERE ITS OWN SELF
INTERESTS LIE, AND HAVE TOLD THEM SO, FROM THEIR POINT OF VIEW:
A. AN IMPORTANT ELEMENT OF POPULATION AND GOVERNMENT IS NOT
PARTICULARLY INTERESTED IN ACCORDING USG ANY, REPEAT ANY FISHING
RIGHTS FOR LOBSTERS ON THE BANKS. IF THEY DO GRANT SUCH RIGHTS
THEY WILL, FROM THEIR POINT OF VIEW, BE DOING US A FAVOR.
B. EVEN GCOB IDEAS ON GRANTING LIMITED INITIAL RIGHTS ARE
LIKELY TO BE VERY, VERY RESTRICTIVE.

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C. NOTION OF RECIPROCITY, NEVER VERY CLEARLY DEFINED BY GCOB,

IS NEVERTHELESS CONSIDERED IMPORTANT AND IS NOT LIKELY TO BE SATISFIED BY APPROACH SUGGESTED IN REFTEL WHICH EQUATES OUR UNLIMITED ACCESS TO THEIR RESOURCE TO THEIR UNLIMITED ACCESS TO OURS. IT'S A HORSE AND RABBIT STEW.

D. THEY HAVE A LAW WHICH PRECLUDES THEIR REACHING AGREEMENT TO PERMIT OTHER THAN BOATS OWNED BY OUR CITIZENS TO FISH HERE. THIS WAS AIMED AT OUR CUBAN PAROLEES WHO ARE STOUTLY DISLIKED BY BAHAMIANS. THE REFTEL APPROACH DOES NOT ON ITS FACE SUGGEST HOW THIS PROBLEM CAN BE HANDLED.

3. IN MY VIEW TABLING THIS APPROACH COULD RESULT IN THE FOLLOWING:

A. GCOB HAS REPEATEDLY PUBLICLY ANNOUNCED THAT IT VIEWS AUGUST 13 NEGOTIATION AS A MEANS FOR DETERMINING WHETHER THERE IS A BASIS FOR NEGOTIATING AN AGREEMENT. THEY COULD WELL REACT TO REFTEL PROPOSAL BY SAYING APPROACH DEMONSTRATES NO SUCH BASIS EXISTS, I.E. TERMINATING NEGOTIATIONS.

B. THEY COULD TAKE PROPOSAL UNDER CONSIDERATION. EVEN IF SYMPATHETIC WITH IT THIS GOVERNMENT COULD NOT POSSIBLY COPE WITH SUCH A COMPLEX PROPOSAL IN TIME PERIOD MEASURED SHORT OF MONTHS OR MORE LIKELY YEARS. SINCE THEY ARE UNLIKELY TO BE SYMPATHETIC THE PROSPECT IS THAT WE WILL NEVER GET AGREEMENT.

C. THE LIKELIHOOD OF A REASONABLY QUICK INTERIM ARRANGEMENT DISAPPEARS. FLORIDA FISHERMEN, GOADED BY UNIONS, ARE SKEPTICAL THAT, AS YESTERDAY'S PAPERS PUT IT, STATE DEPARTMENT CAN POSSIBLY NEGOTIATE AN AGREEMENT EVEN GIVEN YEARS. THEY WANT TO TAKE MATTERS INTO THEIR OWN HANDS. INDUSTRY DELEGATION WILL AT ONCE PERCEIVE THAT THERE IS NO CHANCE FOR A QUICK SOLUTION TO THEIR PROBLEM. IF DEPARTMENT HAS OTHER HIGHER PRIORITY OBJECTIVES IN MIND, SUCH AS ACHIEVING A MODEL FISHERIES AGREEMENT, AND IS WILLING TO BEAR THE BRUNT OF FISHERIES INDUSTRY WRATH THAT OF COURSE IS UNDERSTANDABLE. I THINK DEPARTMENT SHOULD HAVE NO ILLUSIONS ON THIS SCORE HOWEVER. INDEED, THREATS OF VIOLENCE WHICH HAVE SO FAR BEEN CALMED DOWN COULD WELL BE ACTIVATED AS COULD THREAT OF BOYCOTT AGAINST GCOB.

4. WE HAVE BEEN REPORTING ALONG ABOVE LINES SINCE OCTOBER 1974. SINCE REFTEL DOES NOT INCORPORATE RESPONSES TO AFOREMENTIONED PROBLEMS THIS SUGGESTS THERE IS SOME BROADER GOAL THAT DEPARTMENT HAS OTHER THAN GETTING AGREEMENT WITH GCOB
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IN FORESEEABLE FUTURE. IF THIS IS THE CASE, I AM PREPARED TO TABLE REFTEL ON AUGUST 13 AND MOREOVER DO THE VERY BEST I CAN TO ARGUE FOR FAVORABLE GCOB ACTION. WE COULD AND WOULD EMPHASIZE MATTERS SUCH AS CONSERVATION APPROACH AS EVIDENCE OF RESPONSIVENESS TO GCOB CONCERNS. HOWEVER, IT IS SO FAR REMOVED FROM POLITICAL REALITIES IN THE BAHAMAS THAT I FELT IT ESSENTIAL THAT SENIOR LEVELS OF DEPARTMENT UNDERSTAND OUR ASSESSMENT OF POSSIBLE CONSEQUENCES (PARA 3) ABOVE.

5. I ALSO RECOGNIZE THAT IF GCOB DOES REJECT THIS APPROACH THERE IS NOTHING TO FORECLOSE US FROM MAKING OTHER OFFERS. MY CONCERN ON THIS SCORE, HOWEVER, IS THAT:

- (A) WE MAY LOSE PRECIOUS TIME,
- (B) FLORIDA FISHERMEN MAY TAKE ACTIONS WHICH GREATLY COMPLICATE A GOVERNMENT-TO-GOVERNMENT AGREEMENT, OR
- (C) GCOB MAY BE SO TURNED OFF (PARA 3.A. ABOVE) THAT WE MAY FIND NEGOTIATIONS TERMINATED OR AT LEAST HAVE DIFFICULTY IN GETTING THEM BACK TO A SERIOUS DISCUSSION.

6. A VARIANT OF ABOVE WOULD BE TO TABLE REFTTEL PROPOSAL, HOPE THAT GCOB DOES NOT TUNE OUT AND SEE WHAT THEIR COUNTER OFFER IS, IF THEY ARE WILLING TO MAKE ONE. THE DISADVANTAGE OF THIS APPROACH IS THAT:

- (A) THEY MAY TUNE OUT,
- (B) IT MAY TAKE QUITE A WHILE TO GET A COUNTER OFFER, AND
- (C) SUCH A COUNTER OFFER MAY FACE US WITH AN EXTREME RESTRICTIVE POSITION FROM WHICH WE WOULD BE FORCED TO NEGOTIATE UPWARD.

7. ANOTHER VARIANT WOULD BE TO TABLE PROPOSAL DESCRIBING IT AS OUR LONG RANGE PREFERRED APPROACH. WE WOULD SEEK TO OBTAIN GCOB AGREEMENT TO CONSIDER THIS APPROACH, PERHAPS SETTING UP SEPARATE COMMITTEE OF EXPERTS BOTH SIDES TO STUDY AND REPORT BACK. CONCURRENTLY, WE WOULD TABLE AN INTERIM ARRANGEMENT WHICH WOULD BE, INsofar AS POSSIBLE, CONSISTENT WITH ARTICLE 13 WHICH WE WOULD EXPLICITLY STATE WAS WITHOUT PREJUDICE TO LONG RANGE APPROACH BUT WHICH IN REALITY WOULD BE INCONSISTENT IN SOME RESPECTS WITH THAT APPROACH. IT WOULD INCLUDE LIMITED NUMBERS OF LICENSES ISSUED BY GCOB. SUCH LICENSES FOR U.S.-OWNED BOATS ONLY, SPECIFIC TABLE OF FEES BASED ON SIZE OF BOAT, SPECIFIC LIMITS ON SIZE OF LOBSTERS WHICH COULD BE TAKEN, AGREEMENT THAT U.S. WOULD MONITOR LATTER PROHIBITION, AND THAT CONFIDENTIAL

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U.S. WOULD ASSIST IN WAYS TO BE LATER AGREED ON ENFORCEMENT (ON GROUNDS WE MAY NOT HAVE LEGAL BASIS TO DO SO NOW), AND FINALLY WITH A FINITE TIME PERIOD TO EXTEND FOR DURATION OF THIS FISHING SEASON.

8. WHILE I PREFER APPROACH PARA 7 ABOVE, IT TOO HAS PROBLEMS:

- (A) THOUGH ONE MOST LIKELY TO GAIN GCOB ACCEPTANCE, THERE IS NO WAY OF KNOWING HOW QUICKLY IT COULD BE REFLECTED IN AGREEMENT.
- (B) FURTHER THERE IS POSSIBILITY THAT GCOB MIGHT SEEK TO IMPOSE ADDITIONAL RESTRICTIONS SUCH AS FEE BASED ON VALUE OF CATCH OR ON A PER POUND BASIS. (ILA HAS ALREADY OFFERED THIS.)
- (C) CUBAN PAROLEES WOULD BE EXCLUDED UNLESS SOME SUBTERFUGE ALONG LINES WE RECOMMENDED IN NASSAU 1247 (I.E. SOME SORT OF A HOLDING COMPANY IN WHICH NOMINAL CONTROL OF CUBAN PAROLEE

BOATS WAS VESTED UNDER AN AMERICAN OWNERSHIP) COULD BE DEVISED.
(D) EVEN THOUGH WE WOULD SAY SUCH AGREEMENT WOULD BE WITHOUT
PREJUDICE TO LONG TERM APPROACH AS A PRACTICAL MATTER IT WOULD
SO PREJUDICE THAT APPROACH.

9. WEIGHING LIABILITIES OF VARIOUS APPROACHES, I WOULD RECOMMEND
THAT IN PARA 7.

10. HOWEVER, I AM OF COURSE PREPARED TO GO OTHER ROUTE SO
LONG AS SENIOR LEVELS UNDERSTAND WHAT I BELIEVE ARE LIKELY
CONSEQUENCES AS EXPLAINED ABOVE.

11. SINCE WE HAVE EXACTLY THREE WORKING DAYS TO GET OUR
DUCKS IN A ROW, SUGGEST DEPARTMENT LET ME KNOW ITS DESIRES.
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